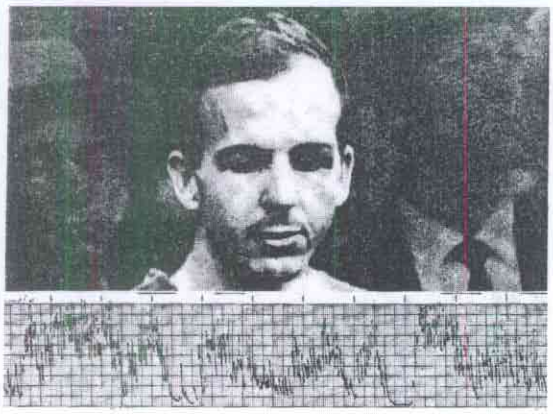

"I didn't shoot anybody, no sir," asserted Lee Harvey Oswald. Voice graph is said by experts to indicate that Oswald did not believe he was lying

Three Faces of Oswald

'Mark Lieberman

Assassination is the extreme form of censorship.

—G.B. Shaw

I. "Rabbit" or Agent?

Who *was* he, this putative assassin?

Was he the pathetic product of New Orleans, Fort Worth, The Bronx, of broken homes and detention homes, chronic hooky-player and dyslexia-sufferer, just-average Marine marksman (his score the most famous in history), defector, wife-beater, a vacant-eyed redneck whose double can be found loitering in any gas station between Battery Park and Key West? Was he Lee Harvey Oswald, the endearing "little rabbit" of a boy whom a young journalist interviewed in Moscow in 1959, and of whom she was later to write that he seemed "pitiful" and "slightly unbalanced"? The stock clerk who killed the King?

Thus, *en precis*, a portrait of the Censor as he appears in Priscilla Johnson McMillan's painstakingly detailed new biography, *Marina and Lee* (Harper & Row, October 26).

Or was he, the putative assassin, a supremely-skilled KGB operative, "Oswald" — a Soviet agent who had usurped Lee Harvey's very identity soon after the hapless Texan arrived in Russia in 1959? Was he a carefully trained imposter who brought off the greatest espionage coup of all time, a Master Trickster who spend years preparing for a task that would take but six seconds in Dallas to complete? In short: Did a Russian assassin masquerading as Lee Harvey Oswald single-handedly shoot Jack Kennedy dead, and was that killing the culmination of a long-term plan authorized by no less a personage than Chairman Khruschev himself?

"Indeed," says British solicitor Michael Eddowes, in *his* new book *The Oswald File* (Clarkson N. Potter, Inc.).

Sylvia Meagher probably knows more about the assassination than anyone outside Langley, Virginia (where the CIA resides), or Dzherzhinsky Square (ancestral home of the dread KGB). She is not surprised at this Fall's boom in Oswaldiana, at the appearance, nearly simultaneously, of two new books on Lee Harvey. "People will be writing about this case a hundred years from now," Ms. Meagher told me last week.

As usual, the lady is correct. Even after all the myths have been laid to rest ("JFK was a liberal . . ." etc.), buffs and dilettantes (of which company I am one) will still be speculating . . . For if nothing else, the assassination provided finally a bitter leaven to what was, let us be honest, a bland loaf: The idea that "It can't happen here" will never play again.

And though 80 percent of Americans recently interviewed declared that they did not believe the Warren Report conclusion that Oswald acted alone, Michael Eddowes and Priscilla McMillan are not among the nonbelievers. Do they know something we don't? Let us examine their portraits of "Oswald" and Oswald.

II "If *X* is true. . ."

I cannot tell you how strongly I wished to accept the thesis of *The Oswald File*: The notion that Chairman Khruschev ordered JFK's death would have fit *so* nicely with my old-fashioned, hard-line notions about the character of Soviet leadership. I dearly wanted to believe Michael Eddowes as he sat in his publisher's office and patiently explained to me, in flawless Oxbridge accents, the scenario he has constructed. But now I must confess: Even after two careful readings of his book, even after two interviews with its author, I cannot accept the pristine simplicity of his *schema*. . .

I do not think I can summarize that *schema* more clearly than Eddowes does himself, in the opening pages of *The Oswald File*:

He will, he tells us, "endeavor to prove beyond reasonable doubt" that "(1) after Kennedy was elected and subsequently opposed the aggressive moves of Khruschev, the latter ordered his assassination through the Soviet Secret Police . . . (2) the real ex-Marine Lee Harvey Oswald never returned to the United States but disappeared shortly after his arrival in the Soviet Union . . . (3) the man who assassinated Kennedy (i.e., the agent "Oswald") . . . was a member of the . . . KGB, and in 1962 had entered the United States in the guise of Oswald . . ."

Eddowes bases his thesis on a decade of research, and the "discovery" that "Oswald" was not the man who entered Russia in 1959 is based — solicitor-fashion — on an examination of physical evidence: an apparent discrepancy of two inches in the reported height of the assassin at various times; and a "total of 15 physical discrepancies" between the body of the assassin and that of Lee Harvey Oswald.

Let me say at the outset that the height discrepancies are troubling. According to various documents (passport, Marine ID card, employment records) Oswald *did* seem to vacillate between a height of 5'9" and 5'11". (This is not new evidence, however; the "incredible shrinking Oswald" having been remarked upon in several earlier works, including Robert Sam Anson's *They've Killed the President* (1975).)

Likewise, a scar left by a mastoid operation Lee Harvey had undergone is conspicuously absent from a photograph of the assassin in Eddowes' book. But even Eddowes admits that the depression left by such an operation sometimes fills up "but not until middle age." (Oswald was 24 at the time of the assassination.) I do not think, however, that it would be overly difficult to find a physician who would aver that the premature disappearance of such a scar is something less than a medical miracle. . .

Indeed, Eddowes is so certain that these and other physical discrepancies are of such import to the case that the very day I met him he was drafting a letter to Senator Robert Byrd (!) asking that the body of the assassin be exhumed, ". . . to find out whether . . . the physical characteristics of the body match the documented description of Lee Harvey Oswald. . ." (A statement to the Press to that effect accompanied the letter.)

But I have not the ambition to engage the worthy solicitor in discourse over these physical discrepancies; my quibble with *The Oswald File* comes over quite another matter altogether — over Eddowes' plea that I accept *per fides* the Grand Scheme itself: to wit, that "Oswald" was a KGB killer.

I am sad to report the absence of convincing evidence linking the man whom Eddowes portrays as JFK's killer with a "Soviet assassination squad." Such evidence would have been welcome indeed. . .

Sadder still is the fact that there *is* evidence — Soviet evidence, in fact — which indicates that Lee Harvey Oswald was carefully watched by the KGB — and *rejected* as a possible operative.

Early in 1964 Lt. Col. Yuri Nosenko, a high-ranking KGB officer, defected to the United States. In his baggage he carried the KGB's dossier on Oswald.

Eddowes says — erroneously — that the contents of the dossier "have remained a mystery." The Nosenko File has been consulted by assassination scholars in the National Archives for the last two years, and a perusal of its contents is most instructive.

Nosenko's task for the KGB was the surveillance of English-speaking foreigners, among them the Texan, Lee Harvey Oswald. His report of the Agency's findings about the hapless ex-Marine go far toward refuting Eddowes' contention that an "Oswald" was substituted for Oswald. In brief, the Nosenko File reports that Oswald was examined by two boards of Soviet psychiatrists in 1959, in connection with his petition for Soviet citizenship. The psychiatrists concluded that "although not insane," Oswald was "quite abnormal and unstable," and it was ordered that he be carefully watched during his stay in Russia. He was not, the File says, "to be recruited or in any way utilized." (Indeed, there was suspicion that he might be a "sleeper agent" in the pay of the CIA.)

More damaging yet is Nosenko's testimony that immediately after the assassination KGB Headquarters was in near-panic, with the Soviets fearful that, despite KGB warnings, Oswald might have been utilized by some other agency. Nosenko himself has graphically described the night of the assassination, when a special plane was dispatched from Moscow to Minsk (where Oswald had been employed) to retrieve the dossier local KGB officers had compiled on him; and through the long night in the bleak building on Dzherzhinsky Square frightened KGB officials pored over the documents in the dossier — dreading with each turning page that some relationship between their Agency and the assassin might be found to have existed.

None was found. Sighs of relief wafted across the Square. (A good account of this incident is in John Barron's book, *KGB*.)

Quite naturally, when Nosenko defected with the file, American intelligence officials were suspicious, fearing that he might be a plant . . . and his information purposely misleading.

Only recently has it been learned that the CIA imprisoned Nosenko in solitary confinement for three years (1964-67) in an attempt to break his story; finally he was set free (and, I am told, given a new identity) when his detention could no longer be justified: There was simply no evidence that either he or his documents were false.

Thus, quite another portrait of Oswald in Russia — a living, breathing Oswald to counterpose against Michael Eddowes' sinister theoretical "Oswald."

III. Two Women

Nothing I'd read prepared me for the blue of Marina's eyes, carefully outlined in kohl, peering warily out over the bank of microphones — eyes that were ever-vigilant against the fearsome questions she was facing. They were eyes that could have belonged to Anna or Kitty or Lara, *Russian* eyes of a lady who had entered the Grand Tradition of Tragic Literature.

We were gathered, we members of the press, to question Marina and Priscilla Johnson McMillan about *Marina and Lee*, which is about to be published. The Harper & Row auditorium is filled with that harsh flat light which, I swear, exists only at press conferences — or in the interrogation rooms of the Secret Police.

And there is much of the atmosphere of such an interrogation room here this morning. Even Marina's Garbo-ish *Mitteleuropean* accent adds to the ambiance of Inquisition which prevails. Squinting into the light, wincing slightly at each hostile question, she is much more composed than I would have thought: but then, she has been doing this for 14 years. . .

There is an awesome amount of hostility

"intermittently likable... unbelievably manipulating... to an astonishing degree he was master of his own life."

From Marina and Lee (Harper and Row)

Marina and Oswald, Dallas, 1962

in this little auditorium, the reporters seeming to delight in each harshly-phrased question . . . "What do your childern think of their father. .?" "Describe your married life . . . " "How do you feel about Kennedy. . . "?

It's curious . . . So that I take my leave from the brief press conference, nod farewell to the sad-eyed enigmatic Marina Prusakova Oswald Porter — and I vow to ask the author of *Marina and Lee* what she made of the poison atmosphere. . .

It is my first question to Priscilla McMillan on the morrow. She has agreed to a chat and we are seated — *sans* chaperones or PR people — in a small office at Harper's.

"I noticed it too," she says, talking of the hostility toward Marina. Priscilla McMillan's accent has been meticulously formed by mixing Glen Cove, Bryn Mawr and Harvard. She is most pleasant to listen to. "It struck me," she is saying now, "that it was odd . . . if these people do not believe that Lee killed Kennedy — then why are they so hostile to his widow?"

Now we are discussing the peculiar logic of the short, unhappy life of Lee Harvey Oswald, a logic Mrs. McMillan claims to have traced from Lee's birth, his unhappy childhood and adolescence, a logic which leads (she says) inexorably to the sixth floor of the Texas School Book Depository.

Mrs. McMillan has produced a full-dress psycho-portrait of the putative assassin, a book whose references are drawn as much from the literature of psychiatry as from the vast documentation which exists about the assassination itself. Clearly, for Mrs. McMillan, the child Lee was father to the man who, she claims, killed Jack Kennedy.

Lee was the confused, ultimately unbalanced young man whom I described in the first paragraph of this story: a product of a desperately unhappy childhood, a boy who never knew his father and barely made the acquaintance of the man his mother subsequently married; a boy shunted from South to North and back again, a transient in half-a-dozen schools (all of which he disliked, probably because of his difficulty with reading) — in short, a "textbook-study" (as Mrs. McMillan describes him to me now) in Severe Mental Trouble. . .

Priscilla McMillan is probably the only person living who knew both Oswald and Kennedy. She was a researcher for the young Senator Kennedy when he first came to Washington; their acquaintance lasted until after JFK became President. When she heard of his death, she was appalled to learn that the accused assassin was the boyish defector whom she had interviewed in 1959 when she was a NANA correspondent. . . An odd twist of fate. In 1964 she was granted exclusive access to Oswald's widow and the two women spent months "recreating Oswald's movements nearly hour-by-hour during the last two years of his life," the years of his marriage to Marina.

Oswald, she says, was a "remarkable human being."

"Remarkable?"

She is ready for the question. And her answer echoes a printed statement she issued the day before: Oswald was "intermittently likable . . . unbelievably manipulating . . . to an astonishing degree he was master of his own life." And this strength of character, Mrs. McMillan believes, is made the more remarkable by the obstacles — his own personality, etc. — he was compelled to surmount.

She denies that he was "inept" or anything like it (a claim also made by more paranoid scholars of the case, strangely enough); but that, instead, he was able to perform "insurmountable tasks" (such as making his way to Russia in the Cold War '50s); singleminded, a Marxist since adolescence (there is some interesting documentation of this in *Marina and Lee*). Oswald had "mixed feelings" about Kennedy, Mrs. McMillan tells me.

But, she believes, the morning of November 22 found Lee Harvey with mind made up — preparing his deadly perch, aware of the Kennedy motorcade route, Mannlicher to hand, awaiting his turn to join the procession which already included Booth, Czolgosz and Guiteau . . . waiting with the bolt closed, waiting for the Lincoln to glide into the neat circle of the 4/18 scope. . .

As I have said, *Marina and Lee* is a painstakingly detailed piece of work, a marvel of research which adds up to the sort of "non-fiction novel" one aimed at in, say, 1968 . . . And I do not mean that to be patronizing.

But now, Reader, conscience — not to mention common-sense — beckons. I have been at this for a very long time. The Word is on my lips: Are you listening, Mrs. McMillan? Are you listening, Mr. Eddowes?

Here it is: BALLISTICS.

IV. "Just a shot away . . ."

One reads both of these books with a growing sense of — what? Wonder? Bafflement? *Blague*?

We follow the tortuous way of the KGB agent "Oswald" as he makes his way to the sixth-floor of the Depository. Or, in *Marina and Lee*, we watch spellbound as detail builds upon detail, incident-upon-incident, all leading to the sixth floor of the Depository. . .

But it is at this point where perplexed scholars of the assassination part company with Eddowes and McMillan . . . because, unless one has been living 'neath a rock (or in a media-proofed plush Greene Street loft) for the past decade, one cannot read the accounts of the events of November 22 in these new books with anything less than goggle-eyes. One cannot, in 1977, be expected to accept the account of those events as they are laid out for our delectation in these most recent additions to the Oswald Archives.

Mrs. McMillan dismisses the shooting of JFK in 1½ pages . . . Eddowes is just slightly more generous, allotting two entire pages to the assassination itself.

Both authors place their assassin in the window, both have him squeeze off three (sic) shots; and both have him disappear into the streets, there to meet his fate.

Now. As I write, the bookshelf behind me holds two dozen books critical of the Warren Commission's conclusion that Lee Harvey Oswald, acting alone, was able to bring off this miracle of ballistics, i.e., to fire three times — accurately — using a weapon which was a walking antique.

In my books there are perhaps 1,000 pages of documentation devoted to contradicting that conclusion . . . But nowhere in *The Oswald File*, nowhere in the pages of *Marina and Lee*, is there reference to this vast body of contradictory evidence.

It is as if the clock had been turned back to 1964 and we are expected to nod like good children, having been fed our rations: The Lone Gunman returns in the pages of these books, the Lone Gunman whom I was certain had been banished at least a decade ago. . .

(I have prepared a brief list of documentation refuting the lone-gun, lone-gunman theory. The list is available upon request. The author does not, however, expect requests from serious researchers: This is such Old News that I blush to use the periodical pages to announce it. . .)

No, Mr. Eddowes. No, Mrs. McMillan: Neither of your *personae* — neither the sinister KGB agent nor the likable young Texan — killed John F. Kennedy in the manner you so cursorily describe in your new books, books which are, finally, codas to the Silly Symphony that is the Warren Report. Your music entertains, true. But it does not uplift.

Against the iron laws of physics your most elegant theses are nothing but smoke . . . smoke redolent of the cordite from the guns of Dealey Plaza. ●

(Mark Lieberman is a freelance writer whose autobiography will be published by Playboy Press next year.)

however, was never decided. While the case was making its long and steady climb to the nation's highest court, DeFunis was admitted to the law school by a state court, pending resolution of the suit. And by the time it reached the Supreme Court, DeFunis had nearly graduated. Ducking the issue, the court declared the case moot since the question of DeFunis' admission to law school was no longer relevant. Thus the drama was heightened and the stage set for the confrontation that has civil libertarians from coast to coast on the edge of their seats.

Today, DeFunis is a 28 year old lawyer practicing in Seattle, Washington, where he was born and raised. Married and the father of one child on the way, his practice deals primarily with civil law, though he has handled some constitutional cases. The product of a working-class, inner city neighborhood, DeFunis, the son of a salesman and a mother whom he describes as a "housewife," was, at 21, the youngest member of the first year law class at the University of Washington.

"I've been trying to follow the Bakke case as much as possible," he says in a telephone interview, "but the papers here don't have much on it. The issue seems to have much greater public interest on the east coast." He has met with Bakke once, corresponded with him over legal aspects of the case, and provided Bakke's attorneys with legal documents relevant to the case.

Affirmative Action vs. Individual Rights

In his brief, filed for YAF, DeFunis charged the University of California with violating the 14th amendment and practicing "invidious discrimination. Bakke interested me tremendously from a legal view and on the issue of affirmative action," the controversial policy of minority privilege that is the basis for the charges of reverse discrimination. "I'm in favor of giving justice to all people," he says. "I'm sure there's much to be done to alleviate problems for lots of groups. I'm not saying that those who support affirmative action aren't well-meaning, but when people's individual rights are abridged, then there's something wrong. Those who call anti-affirmative action groups racist are missing the boat. I believe that there are racist organizations in favor of affirmative action, organizations that want their race to have an opportunity that others don't."

The widespread and impassioned interest in the Bakke case somewhat puzzles DeFunis, though he has some ideas about its causes. "Some organizations decided to protest and put political pressure on the Supreme Court." Not approving of their methods, he favors "due process of law. The place to lobby and apply political pressure is in the political arena."

"I Was Never a Public Figure"

As a young man challenging a policy that made it possible for some of his classmates to have an opportunity that otherwise would have been denied them, DeFunis found himself the subject of some derision. There were reports of DeFunis being called the "house bigot," which he denies, although the memory of "an occasion when I sat down in the library and a black girl closed her book and left" seems vivid. The very first day he went to classes he was confronted by the sarcasm of a black woman who said, "I'd like to shake the hand of the guy who's taking a stand against affirmative action." After the first year, DeFunis states, "I got along with all the black members of my class, except for one or two black women."

Like Bakke, who refuses to be interviewed or photographed, DeFunis tried to maintain his privacy. "I didn't play up the case. I always kept a discreet profile. I was there to get a law degree. I never was a public figure. The case was a public issue, but DeFunis is not a public figure."

The case took on its own identity and became somewhat larger than the story of one man's attempt to be admitted to law school. Affirmative action was an issue that came up after the suit went to court. DeFunis was primarily concerned with the question of admission policies: how they are determined and what rights applicants have to challenge those procedures on constitutional grounds. He sees the same thing transpiring in the Bakke case. "It's almost as if the university is seeking the landmark decision, while Bakke is seeking the personal satisfaction of being admitted to medical school." When a suit reaches the Supreme Court, the determination of the court becomes a greater issue than the satisfaction of an individual who thinks that his or her rights have been violated. The DeFunis case, like the Bakke case — and many others — took on its own momentum.

Nevertheless it takes an individual willing to stand up for his rights to get the wheels of justice spinning. Marco DeFunis opened the door, and others seized the opportunity to challenge affirmative action.

For all his trouble, DeFunis wound up in debt — and years later he is still in debt — to an excess of $15,000, though he won't say how much more. "Whether the costs were worth it, I don't know," he says. "Someone had to bring the issue up. Whether I did it or not, someone had to bring it up in the future.

"I have no regrets. I wish that it would have come to decision then or that substantive guidelines to the schools handling affirmative action had been determined by the court. But how many law students have the opportunity to take a case from trial to the Supreme Court? It's probably an experience not too many attorneys ever have." •

Kramarsky's plea to make gay rights a part of his legislative program and is about to reject it a third time.

In fact, Carey this year tried to cut Kramarsky's budget by $100,000 despite his division's increased work load. The money was later restored by the legislature under the tactful guise of offsetting the division's "high savings factor."

When the marijuana bill faltered last year, Carey's vocal support helped revive it, giving many lawmakers someone to hide behind.

But Carey has been silent on the gay issue ever since his campaign for governor when he issued a position paper supporting the City Council's proposed gay rights resolution.

"I know several gays who worked for Carey in that campaign," said Nehrich. "They're very disappointed. He hasn't even answered the letters we sent him asking about his campaign promise."

Decriminalization's supporters also benefited from the numbers of suburban and rural parents who might not approve of grass but feared that their children might end up in jail. Very few of these grassroots parents can be expected to be as supportive of homosexual rights as they were of decriminalization.

"They are going to have to do an awful lot of education in my district," warned Sen. H. Douglas Barclay. "This is the wrong year. Maybe in 1979." Barclay, an upstate Republican conservative, heads the codes committee through which one or both bills would have to pass.

"I'm not getting out in front, on it," the Yale-educated son of a wealthy family said when asked about the chances of the sodomy legislation. "If the committee wanted it, I would put it out [onto the floor], but I assure you, given the committee's present complexion, that is unlikely."

Senate majority leader Warren Anderson, who applied pressure together with Barclay for decriminalization last year, also isn't taking a position, perhaps because he wants to run for governor.

Nehrich and his colleagues seem content to wait on their major bills, however, as long as they can make progress elsewhere.

"Its traditional in the area of civil rights to get bits and pieces over time," ex-

Continued on Page 44